

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

| | | |
|---|---|--------------------------|
| Thomas J. Coughlin and Thomas J. Coughlin |) | |
| Handmade European Furniture, LLC, |) | Hon. Joan Humphry Lefkow |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | No. 17-cv-03779 |
| |) | |
| Andrew A. Vogel, |) | |
| |) | |
| Defendant. |) | |

CORRECTED
MOTION FOR ENTRY OF JUDGMENT¹

Plaintiffs Thomas J. Coughlin and Thomas J. Coughlin Handmade European Furniture, LLC, by their attorney, Glenn E. Heilizer, respectfully move for the entry of judgment in the amount of \$174,671.88 against defendant Andrew A. Vogel. In support of their motion, plaintiffs state as follows.

1. This is an action for breach of contract, based on defendant's failure to return certain rare and valuable collectible items that plaintiff tendered to defendant on a consignment basis.

2. Defendant was served with the summons and complaint on July 26, 2017. (Dkt. #6.) Defendant's response to the complaint therefore was due August 16, 2016. (Id.)

¹ This motion is a re-filing of plaintiff's motion for entry of judgment (Dkt. # 9), in order to correct the name of the assigned judge in the caption.

3. Defendant has failed to respond to the complaint and has failed to appear in the case. (Dkt. passim.) Consequently, the factual allegations of the complaint other than allegations relating to damages, are deemed admitted. Fed. R. Civ. P. 8(b)(6).

4. On August 29, 2017, the Court entered an order of default, with a prove-up date of October 3, 2017.

5. Plaintiff therefore submits this motion and accompanying affidavit, in support of his request for damages in an amount certain.

6. As set forth in the attached affidavit, plaintiff has calculated the value of each item defendant failed to return. The total retail value of the items retained by defendant is \$150,825.00. (Coughlin Aff. ¶ 4.)

7. Based on defendant's admission in August 2014 that he sold most of the items but retained the proceeds for himself (Coughlin Aff. ¶ 5), plaintiff requests pre-judgment interest of five percent per annum, pursuant to 815 ILCS 205/1 ("[t]he rate of interest upon the loan or forbearance of any money, goods or thing in action, shall be five dollars (\$5) upon one hundred dollars (\$100) for one year") From August 30, 2014 to the date of filing of this motion, that amount equals \$23,846.88. (Heilizer Aff. ¶ 3.)

8. Plaintiff therefore requests that judgment be entered against defendant in the amount of \$174,671.88, consisting of \$150,825.00 for the retail value of the items retained by defendant, plus pre-judgment interest in the amount of \$23,846.88.

9. A proposed judgment order is attached to this motion.

Wherefore, Plaintiffs Thomas J. Coughlin and Thomas J. Coughlin
Handmade European Furniture, LLC request the entry of a judgment against
Defendant Andrew A. Vogel, in the amount of \$174,671.88, together with costs of suit,
and such further relief as is just and proper.

THOMAS J. COUGHLIN AND THOMAS J.
COUGHLIN HANDMADE EUROPEAN
FURNITURE, LLC

By: /s/ Glenn E. Heilizer
One of their attorneys

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Dated: September 26, 2017